

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 12th DAY OF MAY 2008, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	Doug Marrs	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	John A. Muffo	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Karen Edmonds	-Human Resources Director
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

ADD TO THE AGENDA – CLOSED MEETING

On a motion by Gary D. Creed, seconded by Mary W. Biggs, and carried unanimously, the following addendum dated May 12, 2008 was added to the agenda under Closed Meeting:

- Section 2.2-3711 (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
2. Boundary Line Adjustment – Town of Blacksburg
 3. Boundary Line Adjustment – Town of Christiansburg

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Gary D. Creed	
John A. Muffo	
James D. Politis	
Mary W. Biggs	
Doug Marrs	
Annette S. Perkins	

INTO CLOSED MEETING

On a motion by Doug Marrs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
1. Prices Fork Elementary School Site
- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
1. Norfolk Southern Intermodal Facility
2. Boundary Line Adjustment – Town of Blacksburg
3. Boundary Line Adjustment – Town of Christiansburg

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Community College Board (New River)
2. Library Board
3. Office on Youth Advisory Board
4. Social Services Board
5. Virginia's First Regional Industrial Facility Authority

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
William H. Brown	
Doug Marrs	
Mary W. Biggs	
James D. Politis	
John A. Muffo	
Annette S. Perkins	

OUT OF CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Doug Marrs	
Mary W. Biggs	
James D. Politis	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Doug Marrs
Mary W. Biggs
James D. Politis
John A. Muffo
Gary D. Creed
William H. Brown
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

The Invocation was lead by Chair Perkins.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DELEGATIONS

Virginia Department of Transportation

David Clarke, VDOT Residency Administrator, updated the Board of Supervisors on road issues/concerns in Montgomery County. Mr. Clarke reported that Governor Kaine announced his transportation plan, which still has to pass the House and the Senate. Governor Kaine will be holding several town hall meetings across the state of Virginia. One will be held in Radford at Radford University on June 4, 2008 at 6:00 p.m.

FY 2009 Revenue Sharing – Mr. Clarke reported the Commonwealth Transportation Board has approved a new policy for administration of the Revenue Sharing Program. The Board of Supervisors will be receiving a letter explaining the changes and deadline to submit requests. The budget remains the same as last year at \$50 million and the application deadline is August 1, 2008.

Mr. Clarke reported due to the recent hard rains maintenance crews have been kept busy especially on the dirt/gravel roads.

Supervisor Biggs reported that a section of Catawba Road floods during heavy rains and asked VDoT to check into this. Mr. Clarke replied that it's VDOT's procedure to check roads after heavy rains for flooding. Sometimes it's just a matter of blocked culverts.

Supervisor Perkins asked if VDoT is responsible for the trash clean-up along the 460 By-pass and ramps and if they are currently using inmates for trash clean-up? Two areas that seem in constant need of cleaning are the ramp at the Christiansburg exit and the Peppers Ferry Road exit. Mr. Clarke responded that VDoT is currently contracting out maintenance and mowing to a company called Infrastructure Corporation of America. They in turn have contracted with the Montgomery County Sheriff's Office to have inmates clean up trash along the 460 By-pass.

Montgomery County Cooperative Extension Office

Michelle Adcock provided an update on the Montgomery County Cooperative Extension program. She introduced the following members of the Cooperative Extension Office who provided a brief statement on their individual department and projects:

Dawn Barns, Family & Consumer Science
Barry Robinson, Horticulture Agent
Allison Skaer, Master Gardner Agent
Chase Scott, Dairy Science Agent

Supervisor Politis reported that the 4-H Fair will be held August 23, 2008 at the Sinkland Farm in Riner.

Department of Social Services

Linda Nisbett, Director of Department of Social Services (DSS), provided a presentation on services provided by DSS. Ann Hess, Chair of the DSS Board, was also present.

Ms. Nisbett reported the following are the major programs provided by DSS:

- Child Protective Services
- Adult Protective Services/Adult Services
- Foster Care
- Eligibility for Financial Assistance
 - TANF-VIEW (Temporary Assistance to Needy Families)
 - Food Stamps
 - Medicaid

Ms. Nisbett provide a scenario to explain each of the programs.

PUBLIC ADDRESS

Clyde Hodges expressed his appreciation for the Board's support for making the new Elliston Fire Station a reality. Mr. Hodges also addressed the Reese Limited Partnership's rezoning request. He is concerned about the proposed additional 67 lots and the effect they will have on the existing private wells.

Lynn Reed, Mathews & Henegar, Inc., agent for Rhondy Martin and Margene Ward Martin, was available to answer any questions the Board may have on their rezoning request that is on the Board's agenda under Old Business for consideration.

Susan Baker spoke in support of the resolution requesting that Blue Springs Road (SR 620) be designated a Rural Rustic Road in order to pave the remainder of the road.

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously, the Consent Agenda dated May 12, 2008 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
James D. Politis	
John A. Muffo	
Gary D. Creed	
William H. Brown	
Doug Marrs	
Annette S. Perkins	

**A-FY-08-100
BOARD OF SUPERVISORS
THOMAS LANE
RECOVERED COSTS**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

100	Board of Supervisors	\$12,352
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$12,352

Said resolution appropriates recovered costs from the Thomas Lane Property cleanup to the Board of Supervisors budget.

**A-FY-08-101
COUNTY ATTORNEY
RECOVERED COSTS**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

120	County Attorney	\$44,915
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The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$ 3,379
419120	Bill of Equity Costs	<u>\$41,536</u>
	Total	\$44,915

Said resolution appropriates recovered costs and bill of equity revenue for use by the County Attorney.

A-FY-08-102
FIRE AND RESCUE
TRANSFER FROM FIRE AND RESCUE CAPITAL RESERVE
TO ELLISTON VOLUNTEER FIRE DEPARTMENT

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors has approved and appropriated \$594,269 in funding as a reserve for fire and rescue capital equipment needs; and

WHEREAS, The Fire and Rescue Commission has requested that \$1,921 of this reserve be transferred to the Elliston Fire Department Capital Equipment Project to assist in the purchase of a new fire truck.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia does hereby change the scope of the Elliston Fire Department's Capital Equipment Project by transferring \$1,921 from the Fire and Rescue Reserve fund to the Elliston Fire Department's Capital Equipment Project to assist the department in purchasing a new fire truck, and that a transfer of appropriation is hereby authorized, as follows:

FROM:

12 123301	Volunteer Fire Department's Reserve	(\$1,921)
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TO:

12 123301EL	Elliston Fire Department	\$1,921
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Said resolution transfers funding from the Fire and Rescue Reserve to the Elliston Fire Department to assist in the purchase of a new fire truck.

R-FY-08-162
A RESOLUTION ACCEPTING THE
TWENTY-FIVE FOOT WIDE PERPETUAL EASEMENT
FOR A PORTION OF THE LOOP TRAIL

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, Ann P. Linden owns Tax Map Parcel 68-A-7 located in the Mount Tabor Magisterial District in Montgomery County, Virginia; and

WHEREAS, Ms. Linden desires to dedicate at no cost to the County a twenty-five foot wide perpetual easement across Parcel 68-A-7 to locate a portion of the "Loop Trail" pedestrian trail project as shown on the attached plat entitled "Plat of Trail Easement Over Tax Parcel 68-A-7 Located in the Mount Tabor Magisterial District in Montgomery County, Virginia"; and

WHEREAS, In compliance with the provision of Section 15.2-1803 of the 1950 Code of Virginia, the Board of Supervisors desires to authorize Annette Perkins, Chair of the Board of Supervisors, to accept the Deed of Easement on behalf of the County of Montgomery, Virginia.

NOW THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, the Board of Supervisors hereby accepts the twenty-five foot wide perpetual easement dedicated by Ann P. Linden as shown on the attached plat entitled "Plat of Trail Easement Over Tax Parcel 68-A-7 Located in Mount Tabor Magisterial District of Montgomery County, Virginia" to be used for the public purpose of locating a portion of the pedestrian "Loop Trail" project.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes Annette S. Perkins, Chair of the Board of Supervisors, to accept the Deed of Easement on behalf of the County of Montgomery, Virginia.

"PLAT OF TRAIL EASEMENT"

Abbreviations:
 D.B. = Deed Book
 Pg. = Page
 E. = Easement Line
 R/W = Right Of Way

Easement Curve Table						
Curve	Delta	Radius	Tangent	Chord	Bearing	Length
C1	13°07'13"	265.15	30.49	60.58	N87°0'33"E	60.72
C2	20°40'02"	116.21	21.19	41.69	N89°13'38"E	41.92
C3	41°35'38"	225.95	95.62	160.55	S55°27'11"E	164.10
C4	42°35'06"	231.95	78.84	146.89	N55°39'50"W	153.34
C5	23°26'02"	91.21	16.44	32.36	S85°28'33"W	32.53
C6	18°33'14"	290.15	26.60	53.37	S85°41'34"W	53.44

Property Line Table		
Line	Length	Bearing
L1	22.97	N21°45'11"W
L2	52.60	N27°41'50"W
L3	72.43	N48°15'45"W
L4	54.18	N64°54'51"W
L5	32.28	N74°42'10"W

Town Of Blacksburg
 Tax Parcel 68-A-14
 Parcel ID 070024
 D.B. 92, Pg. 547

Ann P. Linden
 Tax Parcel 68-A-7
 Parcel ID 007974
 Instrument 2006000194
 Area = 2.342 Acres

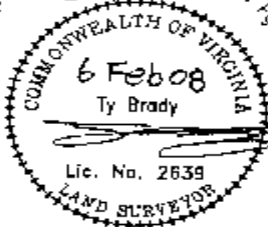
Ann P. Linden
 Tax Parcel 68-A-5
 Parcel ID 004268
 Instrument 2006000194

Notes:

1. This Plat Was Prepared Without The Benefit Of A Title Report And Therefore May Not Show All Encumbrances On Subject Property.
2. This Plat Of Trail Easement Does Not Represent A Current Land Boundary Survey, It Is A Compilation Of Deeds And Plats Of Record Along With Current Field Ties To Existing Property Corners And Other Field Location In Order To Create This Plat Of Trail Easement.
3. This Plat Of Trail Easement Is To Be Recorded With A Deed. The Deed Will Be The Official Instrument To Dedicate The Trail Easement.
4. References Montgomery County Tax Parcel 68-A-7; Instrument 2006000194; D.B. 332, Pg. 252; D.B. 332, Pg. 550.



ANDERSON & ASSOCIATES, INC.
 Professional Design Services
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DRAWN	SCALE	DATE	DOCUMENT NO.
JB	1" = 80'	8 Feb 08	26526-001

R-FY-08-163
A RESOLUTION REQUESTING VDOT
TO ADJUST THE SMART ROAD LIMITED ACCESS LINE
LOCATED ON THE SMART ROAD RIGHT-OF-WAY
IN ORDER THAT A PORTION OF PEDESTRIAN LOOP TRAIL PROJECT
MAY BE LOCATED ON VDOT RIGHT-OF-WAY ADJOINING THE SMART ROAD

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The County of Montgomery, Virginia, and the Town of Blacksburg are jointly working on developing a pedestrian Loop Trail project that will connect pedestrian trails in the unincorporated area of the County with trails located in the Town of Blacksburg; and

WHEREAS, The Town and the County have requested the Virginia Department of Transportation (VDOT) for permission to locate a portion of the proposed Loop Trail project along VDOT right-of-way adjoining the VDOT Smart Road; and

WHEREAS, Due to VDOT regulations preventing pedestrian access on limited access right-of-way, VDOT has advised the County that the Board of Supervisors needs to make a formal request to VDOT requesting that the limited access line located on the Smart Road right-of-way be adjusted in order to accommodate the Loop Trail on VDOT right-of-way.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby formally requests VDOT to seek approval from the Commonwealth Transportation Board to adjust the limited access line located on the Smart Road right-of-way in order to accommodate a portion of the proposed Loop Trail pedestrian access project on VDOT right-of-way.

R-FY-08-164
RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO APPLY
ON BEHALF OF THE MONTGOMERY COUNTY PUBLIC SERVICE AUTHORITY
FOR SOUTHERN RIVERS WATERSHED ENHANCEMENT PROGRAM (SRWEP)
GRANT FUNDS FOR SEWER FACILITY IMPROVEMENTS

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Montgomery County Public Service Authority identified the Southern Rivers Watershed Enhancement Program as a potential grant funding source to replace and upgrade the Warm Hearth Sewer Pump Station and should enough funding be available to replace and upgrade the Plum Creek Sewer Pump Station; and

WHEREAS, The Southern Rivers Watershed Enhancement Program requires the County of Montgomery, as the local governments to apply for the funds; and

WHEREAS, At its May 5, 2008 Public Service Authority Board Meeting, the Montgomery County Public Service Authority adopted a Resolution requesting the County of Montgomery to apply for the Southern River Watershed Enhancement Program grant funds, in the amount of \$150,000 to be used to replace the Warm Hearth Sewer Pump Station and an additional \$150,000 to be used to replace the Plum Creek Sewer Pump Station; and

WHEREAS, Montgomery County desires to apply for Southern Rivers Watershed Enhancement Program grant funds on behalf of the Montgomery County Public Service Authority in the amounts requested by the Public Service Authority conditioned upon the requirement that no County funds be required for the project.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes the County Administrator to apply for Southern River Watershed Enhancement Program grant funds up to \$150,000 to be used by the Montgomery County Public Service Authority to replace and upgrade the Warm Hearth Sewer Pump Station and to apply for an additional \$150,000 to be used by the Montgomery County Public Service Authority to replace and upgrade the Plum Creek Sewer Pump Station.

BE IT FURTHER RESOLVED That the County Administrator is authorized to sign and submit all appropriate information necessary to apply for the Southern River Watershed Enhancement Program grant funding.

R-FY-08-165
WORKFORCE INVESTMENT BOARD
YOUTH COUNCIL
APPOINTMENT

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Lori Walden** to the **Local Youth Council** for the **Local Workforce Investment Board** in Local Workforce Investment Area #2 effective July 1, 2008 and expiring June 30, 2011.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions /authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

R-FY-08-166
COMMUNITY ACTION (NEW RIVER)
APPOINTMENT

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Lori Walden** to the **New River Community Action Board** effective July 1, 2008 and expiring June 30, 2010.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

R-FY-08-167
TRANSPORTATION SAFETY COMMISSION
APPOINTMENT

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Neal Turner, Emergency Services Coordinator**, to the Transportation Safety Commission effective June 28, 2008 and expiring June 27, 2011.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

OLD BUSINESS

ORD-FY-08-25

**AN ORDINANCE AMENDING THE B-3 VOTING PRECINCT
BY SPLITTING THE B-3 PRECINCT AND
CREATING FROM A PORTION OF THE EXISTING B-3 PRECINCT
A NEW B-4 VOTING PRECINCT WITH THE B-4 PRECINCT POLLING PLACE
LOCATED AT THE CHRISTIANSBURG RECREATION CENTER
1600 NORTH FRANKLIN STREET (U.S. ROUTE 460) CHRISTIANSBURG, VIRGINIA**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that the B-3 Voting Precinct shall be amended and reordained and the B-4 Voting Precinct and B-4 Polling Place shall be created and ordained as follows:

VOTING PRECINCT B-3

~~Beginning at the intersection of the western boundary of the County of Montgomery and the confluence of Crab Creek and the New River; thence in an easterly direction with Crab Creek to the intersection of Crab Creek and North Franklin Street; thence in a northerly direction with North Franklin Street to its intersection with the Norfolk Southern branch line; thence in a westerly, thence northerly direction with the railroad tracks of the branch line to its intersection with Peppers Ferry Road; thence in an easterly direction with Peppers Ferry Road to its intersection with North Franklin Street; thence in a northerly direction with North Franklin Street for approximately 5,000 feet (where Merrimac Road i.e. State Route 657 intersects U.S. Route 460) to a point where the Norfolk Southern railroad tunnel passes beneath South Main Street; thence in a westerly direction with the Norfolk Southern railroad tunnel and tracks to their intersection with Coal Hollow Road (State Route 705); thence in a southerly direction with Coal Hollow Road to its intersection with Peppers Ferry Road (State Route 114) thence in a westerly direction with Peppers Ferry Road to its intersection with the western boundary of the County of Montgomery and the New River; thence in a southerly direction with the western boundary of the County of Montgomery and the New River to its intersection with the confluence of Crab Creek, the point of beginning.~~

Beginning at the intersection of the western boundary of the County of Montgomery and the confluence of Crab Creek and the New River; thence in an easterly direction with Crab Creek to the Corporate Line of the Town of Christiansburg; thence in a northerly direction following the Corporate Line to the intersection of Peppers Ferry Road (VA Primary 114); thence in a easterly direction following Peppers Ferry Road to the intersection of North Franklin Street (U.S. Route 460); thence in a northerly direction with North Franklin Street for approximately 5,000 feet (where Merrimac Road i.e. State Route 657 intersects U.S. Route 460) to a point where the Norfolk Southern railroad tunnel passes beneath South Main Street (U.S. Route 460); thence in a westerly direction with the Norfolk Southern railroad tracks to their intersection with Coal Hollow Road (State Route 705); thence in a southerly direction follow Coal Hollow Road to its

intersection with Peppers Ferry Road (VA Primary Route 114) thence in a westerly direction with Peppers Ferry Road to its intersection with the western boundary of the County of Montgomery and the New River; thence in a southerly direction with the western boundary of the County of Montgomery and the New River to its intersection with the confluence of Crab Creek, the point of beginning.

Polling Place: Belmont Christian Church
2149 Dominion Drive (SR Rt 444 760)
Christiansburg, VA

VOTING PRECINCT B-4

Beginning at the intersection of Crab Creek and North Franklin Street (U.S. Route 460); thence in a northerly direction with North Franklin Street to its intersection with the Norfolk Southern branch line; thence in a westerly, thence northerly direction with the railroad tracks of the branch line to its intersection with Peppers Ferry Road (VA Primary 114); thence in a westerly direction with Peppers Ferry Road to the Corporate Line of the Town of Christiansburg; thence in a southerly direction following the Corporate Line to the intersection of Crab Creek; thence in an easterly direction following Crab Creek to the intersection of Crab Creek and North Franklin Street, the point of beginning.

Polling Place: Christiansburg Recreation Center
1600 North Franklin Street (U.S. Route 460)
Christiansburg, VA 24073

This precinct change shall not take effect until the United States Department of Justice pre-clears the change pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
Gary D. Creed	
William H. Brown	
Mary W. Biggs	
Doug Marrs	
Annette S. Perkins	

ORD-FY-08-26
AN ORDINANCE AMENDING THE 2025 COMPREHENSIVE PLAN –
FUTURE POLICY MAP DESIGNATION OF TAX PARCEL NO. 67-A-160F
(ACCOUNT # 026412) FROM RURAL TO URBAN EXPANSION,
FOR PROPERTY LOCATED ON THE EAST SIDE OF THE 500 BLOCK OF
CINNABAR ROAD, IN THE PRICES FORK AND
RINER MAGISTERIAL DISTRICTS

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed amendments to the 2025 Comprehensive Plan – Future Policy Map meet the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan and therefore the Future Policy Map designation of that certain tracts or parcels of land is hereby amended from the designation of Rural to Urban Expansion.

This action was commenced upon the application of Knollwood Development , LLC. (Agent: Balzer & Associates).

The property is further identified as Tax Parcel No. 67-A-160F (Acct No. 026412) in the Shawsville Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

AYE

John A. Muffo
Gary D. Creed
William H. Brown
Mary W. Biggs
James D. Politis
Doug Marrs
Annette S. Perkins

NAY

None

ORD-FY-08-27
AN ORDINANCE AMENDING THE 2025 COMPREHENSIVE PLAN –
BELVIEW VILLAGE PLAN LAND USE MAP DESIGNATION OF
SIXTEEN (16) PARCELS, LOCATED ON THE NORTH AND SOUTH SIDE
OF THE 3500 & EASTERN HALF OF THE 3600 BLOCK OF
PEPPERS FERRY ROAD (SR 114) AND THE 4000 BLOCK OF
BRADFORD LANE INCLUSIVE, FROM VILLAGE MEDIUM DENSITY
RESIDENTIAL TO VILLAGE MIXED USE IN THE PRICES FORK AND RINER
MAGISTERIAL DISTRICTS

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed amendments to the 2025 Comprehensive Plan – Belview Village Plan Land Use Map meet the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan and therefore the Belview Village Land Use Map designation of that certain tracts or parcels of land is hereby amended from the designation of Village Medium Density Residential to Village Mixed Use.

This action was commenced upon the application of Linda S. Caldwell, et al. (Agent: Albright & Bongard, PLC).

The properties are further identified as Tax Parcel Nos. 64-A-92, 64-A-82; 64-1-7A; 64-1-7B; 64-A-91; 63-1-4A; 64-A-83; 64-A-84; 64-A-89; 64-A-89A; 64-A-90; 64-A-99; 64-A-100; 64-A-80; 64-A-81; 064-1-5B, (Acct Nos. 002869, 010121, 017123, 021593, 015578, 009039, 010122, 021691, 011645, 000229, 011138, 011644, 011139, 011136, 011137, 010109), in the Prices Fork & Riner Magisterial Districts.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

AYE

Gary D. Creed
William H. Brown
Mary W. Biggs
James D. Politis
John A. Muffo
Doug Marrs
Annette S. Perkins

NAY

None

ORD-FY-08-28
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION
OF APPROXIMATELY 18.1325 ACRES
IN THE PRICES FORK MAGISTERIAL DISTRICT
LOCATED ON 1806 KEISTERS BRANCH ROAD (SR 718)
IDENTIFIED AS TAX MAP PARCEL NO. 51-A-51 (ACCT # 018027)
FROM AGRICULTURE (A-1) TO RURAL RESIDENTIAL (R-R)
RHONDY MARTIN AND MARGENE WARD MARTIN

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT ORDAINED By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tract or parcel of land consisting of 18.1325 acres of land is hereby amended and rezoned from the zoning classification of Agriculture (A-1) to Rural Residential (R-R) with the following proffered conditions:

1. The total number of lots permitted on the 18.1325 acre tract will not exceed six (6).
2. A thirty (30) foot natural vegetated buffer will be retained around the perimeter of the property using the existing trees, unless it interferes with easements, drainfields, driveways or sight distances.

This action was commenced upon the application of Rhondy L. Martin and Margene Ward Martin 1997 Trust (Agent: Mathews and Henegar, Inc.).

The property is located 1806 Keisters Branch Road (SR 718) and is identified as Tax Parcel No. 51-A-51 (Acct # 018027) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Rural in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
James D. Politis	
John A. Muffo	
Doug Marrs	
Gary D. Creed	
William H. Brown	
Annette S. Perkins	

REESE FAMILY LIMITED PARTNERSHIP REZONING REQUEST

Supervisor Gary Creed made a motion, seconded by John A. Muffo to table the Reese Family Limited Partnership rezoning request in order to schedule another public hearing to consider new proffers that were submitted by the applicant.

The County Attorney advised that a new public hearing is not necessary as no new proffers were submitted. Mr. Reese added additional language to Proffer #2 regarding the network of walking trails. The County Attorney recommended the Board table the request until such time water issues are resolved.

Supervisor Creed withdrew his previous motion and made a new motion to table the request as recommended by the County Attorney.

Supervisor Biggs asked that a study on the water draw down be done on the existing lots due to construction of new wells be done also.

R-FY-08-168
RESOLUTION TO TABLE THE ZONING CLASSIFICATION
OF APPROXIMATELY 227.65 ACRES
LOCATED ON THE WEST SIDE OF BRADSHAW ROAD (SR 629),
NORTH OF NEW RIDGE ROAD (SR 1052)
IDENTIFIED AS TAX MAP PARCEL NOS. 45-A-80 (ACCT # 025398),
45-3-5A (ACCT # 034187) AND 32-A-55 (ACCT # 001477)
FROM AGRICULTURE (A-1) TO RURAL RESIDENTIAL (R-R)
REESE FAMILY LIMITED PARTNERSHIP

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Reese Family Limited Partnership's request for a zoning classification of 227.65 acres of land from Agriculture (A-1) to Rural Residential (R-R) located on the west side of Bradshaw Road (SR 629) north of New Ridge Road (SR 1052) is hereby **TABLED** until such time that the County Administrator can provide additional information regarding the water issues which may potentially impact the existing wells and to clarify the proffers submitted by the applicant.

The vote on the foregoing resolution was as follows:

AYE

James D. Politis
John A. Muffo
Doug Marrs
William H. Brown
Mary W. Biggs
Gary D. Creed
Annette S. Perkins

NAY

None

NEW BUSINESS

Public Service Authority Request for a Position Reclassification

Supervisor Brown made a motion, seconded by Supervisor Biggs, to approve the request by the PSA for a position reclassification. The County Administrator reported that this request did not go through the County's process for reclassification. Reclassification of existing positions that are in the County's pay plan must submit a job analysis questionnaire (JAQ). The JAQ is used as a tool to determine the validity of each request and scores the information to determine internal and external equity. Based on the new score derived from the JAQ, the position may or may not be recommended to the Board for reclassification. The request before you did not include completing and submitting a JAQ for scoring and review and the recommended pay grade was identified without the JAQ being scored.

Supervisor Biggs withdrew her second due to the information reported by the County Administrator.

The resolution died due to a lack of seconded

Supervisor Creed recommended that the resolution be deferred in order for the proper protocol to be followed.

R-FY-08-169 RESOLUTION DEFERRING THE REQUEST BY THE PUBLIC SERVICE AUTHORITY TO RECLASSIFY A POSITION

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

WHEREAS, At its May 5, 2008 meeting the Montgomery County Public Service Authority adopted a personnel change resulting in the reclassification of a Senior Program Assistant (pay grade 116) to Secretary to the PSA Board (new title in pay grade 117).

WHEREAS, The Board of Supervisors needs to amend the overall County Classification and Compensation Plan to reflect the change in classification made by the Montgomery County Public Service Authority for the above referenced Public Service Authority position.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby defers the request by the Public Service Authority to reclassify the Senior Program Assistant position pending further review through the County's Reclassification process.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
John A. Muffo	
Doug Marrs	
William H. Brown	
Gary D. Creed	
James D. Politis	
Annette S. Perkins	

R-FY-08-170
DESIGNATION OF RURAL RUSTIC ROAD
BLUE SPRINGS ROAD (SR 620)

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

WHEREAS, Section 33.1-70.1 of the Code of Virginia permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, Any such road must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 1000 vpd; and

WHEREAS, The Board of Supervisors of Montgomery County, Virginia desires to consider whether **Route 620 Blue Springs Road**, From: 0.25 miles South of Rte 613 To: Rte 613 should be designated a Rural Rustic Road; and

WHEREAS, The Board is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, The citizens that utilize this road have been made aware that this road may be paved with minimal improvements; and

WHEREAS, The Board believes that this road should be so designated due to its qualifying characteristics and will endeavor to retain these characteristics through its comprehensive planning process.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby designates this road a **Rural Rustic Road** and requests that the Residency Administrator for the Virginia Department of Transportation concur in the designation.

BE IT FURTHER RESOLVED, The Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in the current state.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

The vote on the foregoing resolution was as follows:

AYE

John A. Muffo

Doug Marrs

William H. Brown

Gary D. Creed

Mary W. Biggs

James D. Politis

Annette S. Perkins

NAY

None

**R-FY-08-171
DESIGNATION OF RURAL RUSTIC ROAD
CRAB CREEK ROAD (SR 660)**

On a motion by Doug Marrs, seconded by James D. Politis and carried unanimously,

WHEREAS, Section 33.1-70.1 of the Code of Virginia permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, Any such road must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 1000 vpd; and

WHEREAS, The Board of Supervisors of Montgomery County, Virginia desires to consider whether **Route 660 Crab Creek Road**, From: 1.0 miles west of Rte. 661 to: Rte 661 should be designated a Rural Rustic Road; and

WHEREAS, The Board is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, The citizens that utilize this road have been made aware that this road may be paved with minimal improvements; and

WHEREAS, The Board believes that this road should be so designated due to its qualifying characteristics and will endeavor to retain these characteristics through its comprehensive planning process.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby designates this road a **Rural Rustic Road**, and requests that the Residency Administrator for the Virginia Department of Transportation concur in the designation.

BE IT FURTHER RESOLVED, The Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in the current state.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
William H. Brown	
Gary D. Creed	
Mary W. Biggs	
James D. Politis	
John A. Muffo	
Annette S. Perkins	

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. HS Tejas Subdivision – Review of Private Roads
2. Inmate Work Crews

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Gary D. Creed	
Mary W. Biggs	
James D. Politis	
John A. Muffo	
Doug Marrs	
Annette S. Perkins	

HS TEJAS, LTD SUBDIVISION – REVIEW OF PRIVATE STREETS

Steve Sandy, Planning Director, provided an overview of request. At the Board of Supervisors August 7, 2008 meeting, the Board was given a preliminary presentation on the proposed project. The owner was asking for the Board's input and suggestions regarding the use of an existing private road for a future subdivision off Reese Mountain Road. The County's subdivision ordinance states that subdivision roads must front onto a state maintained road. The request by the owner is will the Board of Supervisors allow private streets. Mr. Sandy turned over the presentation to John Neel, Gay & Neel Engineering, Inc.

Mr. Neel introduced agents for the owners, Ron Hawley and Mark Kelly, who offered to answer questions the Board may have. Ralph Clemens, Surveyor with Gay & Neel was also present.

Mr. Neel stated the owner is asking for the utilization of an existing private road, Reese Mountain Road, for a future subdivision. Currently there are no plans in place for the 1700 acre parcel. The intent is to sell large lots, 200 acres or larger with the minimum lot size at 20 acres. Mr. Neel reported that the owner is willing to proffer conditions as follows:

- No more than 45 lots, minimum lot size will be 20 acres
- Preserve trees – limit tree cutting/clearing on lot. Require approval from Homeowners Association to clear more than allowed.
- Provide a road maintenance agreement
- Provide an emergency access plan

Mr. Neel stated that Reese Mountain Road is in very good condition even after the recent heavy rains. Mr. Radford, who owns property on Reese Mountain Road, has maintained this road along with 10 other property owners who front on Reese Mountain Road already. Per Board recommendation, a note shall be placed on all plats and deeds of subdivisions when a subdivision is served by a private street and/or a private access easement advising that the streets and access easements are not eligible for maintenance or improvements by the Virginia Department of Transportation. He provided a copy of the road maintenance agreement for review by the Board of Supervisors. Mr. Neel reported the agents have considered all the concerns voiced by the

Board and brought back proffered conditions and road agreements they hope will address the Board's concerns. Mr. Neel asked the Board for their support and approval of this request.

Supervisor Creed clarified that the road from Montgomery County leading into Roanoke County is for emergency access only. The owner did get an easement to connect Reese Mountain Road to Gray Fox Lane in Roanoke County, which connects to Dow Hollow Road at the Dixie Caverns Interstate 81 exit.

Supervisor Creed also pointed out that property owners will have to have at least 75 feet for clearing of trees for the installation of septic. Mr. Neel replied that they could put that in the homeowners association by-laws that property owners can, by-right, have up to 75 ft and any additional clearing will have to have approval of the homeowners association.

Supervisor Marrs asked how many lots are allowed by-right. Mr. Neel replied that the parcel is zoned Agriculture, which allows 55 lots by-right. However, per the County's Subdivision Ordinance, each lot must front a state maintained road. Due to the topography of the parcel this would be difficult to achieve.

Supervisor Marrs also questioned the emergency response time and expressed concerns with fire and emergency crews getting to the property. Mr. Neel responded that it will take 30 minutes to get to the top of the ridge. They asked Elliston Fire Department to do a dry run. Chief Pug Wells reported that they did take a fire tanker with 750 gallons of water and a six person crew. The road is in very good condition and it will take 20-30 minutes to get to the top of the ridge. Chief Wells stated that the truck's brakes were hot after coming down the mountain. He explained that by the time they reached a house fire, the home would be destroyed; they would be trying to keep the fire from spreading.

Supervisor Biggs asked if potential property owners would know up front about the response times from fire and rescue. Mr. Neel indicated they could add something to the subdivision plat.

Supervisor Perkins commented that this would be common sense, that if you purchased a home in a remote area and it takes you 20 minutes to get up the mountain, then it would take emergency personnel the same amount of time.

Supervisor Creed suggested that a helicopter pad be constructed on top of the mountain for rescue purposes. The agent agreed that this would be a good idea and they could register the helicopter pad with E-911.

Supervisor Biggs also wanted to know if more than one house could be constructed on one lot. Mr. Neel replied that only one house per lot would be built.

Ron Hawley, agent, spoke briefly on the request and thanked the Board for their time.

Inmate Work Crew – Litter Clean Up

Sheriff Whitt reported that the Montgomery County Sheriff's Office was contacted by Infrastructure Corporation of America (ICA) and asked if inmates could be used to remove litter from the roads on the 460 By-pass. The program was started in August 2007. ICA agreed to pay \$34 per hour to pay an off-duty deputy to supervise the group of inmates. Since the program began, there has been 1,940 man hours used and 5.09 tons of trash picked up.

Sheriff Whitt is proposing to start a program in the County. Inmates would be used to remove litter from problem areas in the County along secondary roads. County staff provided financial information as follows:

- Start-up costs are estimated at \$1,000 (provide inmate work clothing and safety equipment).
- Monthly costs are estimated at \$2,000 per month.

The total cost for five months, June – October 2008, would be \$11,000.

VDOT has agreed to provide trash bags and safety vests. The County will need to agree for all trash to be deposited at the various consolidated sites in the County.

Sheriff Whitt stated that three alternatives were given:

1. Establish a set dollar amount and utilize the program up to that dollar amount for identified areas.
2. Do not utilize the program.
3. Agree to utilize the program and pay on a month to month basis.

Sheriff Whitt also stated another alternative could be considered, at his suggestion, that a full-time deputy be hired to supervise the program.

The County Administrator commented that this issue will be placed on the Board's May 27, 2008 agenda for the Board's consideration. This will give staff ample time to draft a resolution to participate in a program.

OUT OF WORK SESSION

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends the Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Mary W. Biggs	
James D. Politis	
John A. Muffo	
Doug Marrs	
William H. Brown	
Annette S. Perkins	

BOARD MEMBERS' REPORTS

Supervisor Brown attended the Fire & Rescue Commission meeting and the New River Valley Juvenile Detention Home meeting. He submitted information from both meetings to be included in the County Administrator's Weekly Report.

Workforce Investment Act (WIA) Chief Local Elected Officials (CLEO) - Supervisor Brown attended his first CLEO meeting. He was appointed as the Board's representative to replace Supervisor Perkins. An appreciation plaque will be presented to Annette Perkins for her years of service on CLEO at their next meeting.

Supervisor Perkins reported that the School Board approved moving forward with the Planning & Feasibility Study for Auburn Middle and Auburn High Schools.

ADJOURNMENT

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Tuesday, May 27, 2008 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
James D. Politis	
John A. Muffo	
Doug Marrs	
William H. Brown	
Gary D. Creed	
Annette S. Perkins	

The meeting adjourned at 10:00 p.m.

APPROVED: _____	ATTESTED: _____
Annette S. Perkins	B. Clayton Goodman, III
Chair	County Administrator